

REMARKS

This Response is filed responsive to the Ex parte Quayle Action mailed December 18, 2006. These amendments and remarks are believed to place the application into condition for immediate allowance with only cursory consideration. Accordingly, it is respectfully requested that these amendments and remarks be entered, and that the application as so amended be allowed.

The Ex parte Quayle Action

The Ex parte Quayle Action indicated claims 55, 58-66, 69, 70, 72, and 89-92 are allowed, and claims 67, 68, and 73 are withdrawn but still pending. The application is indicated as being in condition for allowance except for the following formal matters:

- (i) The application contains withdrawn claims 67, 68, and 73; and
- (ii) In claims 89-92 the phrase "A method" is objected to, with the phrase "The method" being suggested as a clarification.

The Amendments

Claims 89-92 are amended as suggested, to replace "A method" with "The method." Accordingly, Applicants respectfully submit that these claims are fully in condition for allowance.

Base claim 55 has been amended to replace "top spacers" with "top spacer". The antecedent initial reference is to "layering a top spacer" and accordingly this amendment corrects an obvious informality. Applicants therefore respectfully request that this corrective amendment be entered.

Claims 67, 68, and 73 have been amended to correct informalities relating to antecedent basis. The Ex parte Quayle action indicates that these claims are withdrawn. Applicants find only one restriction in the case, namely a species restriction mailed February 19, 2004. In accordance with Patent Office rules, that restriction states:

Upon allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all limitations of an allowed generic claim as provided by 37 C.F.R. § 1.141.

Restriction mailed Feb. 19, 2004, at page 3.

Claims 67 and 68 depend directly from allowed independent claim 55, while claim 73 depends from claim 58 which in turn depends from allowed independent claim 55. Accordingly, it is respectfully submitted that claims 67, 68, and 73 are entitled to favorable consideration and allowance.

CONCLUSION

These amendments and remarks are believed to place the application into condition for immediate allowance with only cursory consideration. Accordingly, it is respectfully requested that these amendments and remarks be entered, and that the application as so amended be allowed.

Respectfully submitted,

FAY, SHARPE LLP



Richard J. Minnich, Reg. No. 24,175
Robert M. Sieg, Reg. No. 54,446
1100 Superior Avenue
Seventh Floor
Cleveland, Ohio 44114-2579
(216) 861-5582